

Exhibit "F" Ineffective of Counsel

Sentencing pg.18,Motion to Suppress pg.68,69,

ProSe Request to appeal out of time pg.28,29.

Sentencing

1 two or more consecutive terms for violation of
2 924(c)(1) by possessing firearms while simultaneously
3 trafficking in two or more controlled substances, and
4 that's where you pointed out in your opinion the
5 rulings of U. S. v. Johnson and U. S. v. Anderson in
6 which it indicated, at least my understanding of your
7 opinion was, that there could not be two separate
8 enhancements based upon those facts.

X9 THE COURT: Well let's take up your first
Y10 issue. Your first concern is that the drugs found at
Y11 the business were residue drugs, right?

Y12 MS. COPPER: Yes, sir.

Y13 THE COURT: Therefore your concern is
Y14 whether that can serve as a basis for a 924(c)(1)(a)
Y15 conviction?

Y16 MS. COPPER: Yes, sir.

Y17 THE COURT: Just because it's residue rather
Y18 than --

Y19 MS. COPPER: Yes, sir, and because it's my
Y20 understanding that there has to be a relationship
Y21 between the actual drugs and the guns that the
Y22 Government is attempting to use as a basis for the 924
Y23 enhancement. That was my understanding.

Y24 THE COURT: Now first of all, why would I be
Y25 looking at this at the time of sentencing? He's

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1 front of Head to Toe?

2 A. Yeah. The second handicapped.

3 Q. Would that have been pretty near to where her car was,
4 within five or six feet of her car?

5 A. Yes, ma'am.

6 MS. REDMOND: Nothing further.

7 THE COURT: Any redirect?

8 MS. COOPER: No, Your Honor.

9 THE COURT: You may be excused. You may remain in the
10 courtroom or leave.

X11 Next witness.

X12 MS. COOPER: Your Honor, I would call Jennifer Hawk.
X13 I would make a motion to the Court, Judge, to limit her testimony
X14 to the issues of consent regarding the search. Ms. Hawk is a
X15 defendant in the Circuit Court of Russell County on charges
X16 similar in nature arising out of the same set of facts and
X17 circumstances as this case.

X18 MS. REDMOND: In addition, Your Honor, I might add th
X19 there is a possibility that Ms. Hawk will be added to a
X20 superseding indictment as a coconspirator. Yes, ma'am. I
X21 thought I should tell the Court.

22 THE COURT: How sure are you that she's going to be
23 added? Do you have plans to add her?

24 MS. REDMOND: At this point, yes, ma'am, on the June
25 15th --

S. H.

1 THE COURT: Well, then she shouldn't testify.

2 MS. REDMOND: -- grand jury.

3 THE COURT: She should not testify. Her counsel is not
4 here.

5 MS. COOPER: Your Honor, I represent her in Circuit
6 Court of Russell County.

7 THE COURT: But you won't be able to represent her
8 here.

9 MS. COOPER: Yes, ma'am. I understand. I just wanted
10 the Court to know that. And I did receive an advisory opinion
11 from the Bar before I undertook that.

12 THE COURT: Because you will not be able to represent
13 her here, Ms. Hawk's interests as a potential defendant in this
14 court are not protected and the Court can't permit her to
15 testify. She's a likely codefendant of Mr. Jefferson. I don't
16 know how it could be limited in a way that both protects her
17 Fifth Amendment rights and protects her Sixth Amendment rights.
18 There would always be room for counsel later to object -- that
19 is, her counsel -- and I'm not going to put -- I'm not going to
20 create that risk.

21 MS. COOPER: Based upon that, Your Honor, we would
22 rest.

23 THE COURT: Anything further from the government?

24 MS. REDMOND: No, ma'am. No further witnesses to be
25 called.

PRO SE

1 THE COURT: How much were you paid?

2 MS. COOPER: I was not paid quite fifteen
3 thousand dollars.

4 THE COURT: Do you know approximately how
5 much you were paid?

6 MS. COOPER: I think there is less than a
7 thousand dollars balance on that.

8 THE COURT: Is there any likelihood that you
9 won't get it?

10 MS. COOPER: I don't know, Your Honor.

11 THE COURT: Well he's in jail.

12 MS. COOPER: I doubt I will, but --

13 THE COURT: Is there any other source?

14 MS. COOPER: No, sir. I know his wife is
15 having a very bad time financially.

16 THE COURT: And they have a child.

17 MS. COOPER: They have a young child.

18 THE COURT: I think it's pretty fair to
19 assume that you won't get that thousand dollars. So
20 you received approximately fourteen thousand dollars?

21 MS. COOPER: Yes.

22 THE COURT: Why is it that you can't
23 represent him on appeal? I don't understand.

24 MS. COOPER: Judge, I don't mind doing it.
25 I very much believe in this case. But I feel like

Pro Se

X₁ from a professional standpoint, I have been an
X₂ attorney for twelve years and I've never handled a
X₃ federal appellate case, and I just felt that he would
X₄ be in better qualified hands if the Court could
X₅ appoint someone who does that regularly and routinely.

6 That was my only concern, Judge.

7 THE COURT: But when you took the case
8 didn't you recognize that there might be an appeal?

9 MS. COOPER: Well in all cases there could
10 be an appeal, but generally the fee that I quote
11 someone is generally not for an appeal. I don't mind
12 doing the case. The money is not a question for me.

13 THE COURT: Well, but I think at the time of
14 arraignment aren't you informed that your
15 representation is through an appeal? I think that our
16 magistrate judges typically inform all lawyers of
17 that.

18 MS. COOPER: I was given a notice of that
19 Judge, and I can't remember exactly what it said but
20 something to the effect that we would be required to
21 file the notice of appeal. And it's my understanding,
22 and I may be incorrect in this, and I could be wrong
23 with that, that we could be relieved for appeal.

24 THE COURT: I'm not aware of that. I think
25 it says you are responsible to represent the defendant

1 through the appellate process. So whatever financial
2 arrangements you make, you will represent the
3 defendant through that process.

4 If you don't think that you can represent
5 him on appeal, why would you have taken the case to
6 begin with? What issues would rise on appeal that
7 wouldn't arise in District Court?

X8 MS. COOPER: The only thing I can say, Your
X9 Honor, is in this case, I don't think I've ever had
X10 quite as complicated a case and I have been doing
X11 criminal law now for about twelve years. And of
X12 course the federal system is totally different than
X13 the state system, and I wasn't aware that I would at
X14 the time that he retained me that I would be
X15 responsible for the appeal also. I was not aware of
X16 that.

17 THE COURT: Let me ask the defendant. Will
18 the clerk swear him in.

19 (Whereupon, the defendant was duly sworn by
20 the courtroom deputy clerk.)

21 THE COURT: Mr. Jefferson, do you have any
22 financial resources to afford a lawyer for an appeal?

23 THE DEFENDANT: No, sir.

24 THE COURT: Does your wife have any
25 resources?